

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

FRANKLIN D. CLARK,

Plaintiff,

v.

TELFAIR COUNTY GEORGIA,

Defendant.

CIVIL ACTION NO.
5:17-cv-00490-TES-CHW

ORDER OF DISMISSAL

Pro se Plaintiff Franklin D. Clark, an inmate most recently confined at Johnson State Prison in Wrightsville, Georgia, filed a document that was construed as a Complaint seeking relief pursuant to 42 U.S.C. § 1983 [Doc. 1]. On July 12, 2018, the United States Magistrate Judge ordered Plaintiff to recast his Complaint on the Court's standard form and to either pay the required filing fee or submit a motion for leave to proceed *in forma pauperis*. [Doc. 6]. Plaintiff was given 21 days to comply, and he was warned that failure to comply may result in dismissal by the Court. *Id.*

The time for compliance passed without a response from Plaintiff. Accordingly, the Magistrate Judge ordered Plaintiff to respond and show cause as to why his lawsuit should not be dismissed for failure to comply with the Court's orders and instructions. Plaintiff was given 21 days to respond and again warned that his failure to do so would result in the dismissal of his Complaint for failure to comply. [Doc. 7].

The time for compliance has again passed without a response from Plaintiff. Because Plaintiff failed to comply with the Court's instructions and orders and otherwise failed to diligently prosecute his claims, Plaintiff's Complaint is hereby **DISMISSED without prejudice**. *See Fed. R. Civ. P. 41; see also Brown v. Tallahassee Police Dep't, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Lopez v. Aransas Cnty. Indep. Sch. Dist., 570 F.2d 541, 544 (5th Cir.1978)).*

SO ORDERED, this 24th day of October, 2018.

S/ Tilman E. Self, III
TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT